THE HON'BLE MR JUSTICE B.PRAKASH RAO

And

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT APPEAL NO.2013 of 2004

30th September 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 26.06.2003 in W.P.NO.31938 OF 1998 on the file of the High Court.)

Between:

The Depot Manager, APSRTC Bus Depot, Zaheerabad, Medak District.

…APPELLANT/RESPONDENT No.2

AND

1. P.Jayaram Reddy, S/o.Narayana reddy, 35 years, Employee, R/o.10-414/1, Sathireddynagar, Malkajigiri, Hyderabad.

2. The Labour Court-II, 4th Floor, Chandravihar Buildings, Nampally, Hyderabad, rep.by its Presiding Officer.

…RESPONDENTS

THE HON'BLE MR JUSTICE B.PRAKASH RAO

And

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT APPEAL NO.2013 OF 2004

JUDGMENT: (Per the Hon'ble Mr Justice B.Prakash Rao)

This appeal is at the instance of Corporation assailing the direction in Writ Petition No.31938 of 1998 given for payment of full back wages for the period from 27.04.1992 to October 1996.

The facts, which are necessary for disposal of this appeal, are that the writ petitioner was employed as Casual Conductor and was removed from service by the order dated 08.09.1997. In pursuance of the notification dated 02.09.1997, he was again appointed to regular Conductor post with effect from 01.09.1989 by an order dated 24.02.1989. However, the writ petitioner being the Secretary of the Union, a disciplinary enquiry was initiated due to certain frictions between him and the management. Ultimately he was removed from service on 27.04.1992. The appeal filed by him was rejected and therefore, he invoked the provisions of Section 29 (2) of the Industrial Disputes Act, 1947 and the matter was referred to the Labour Court. The Labour Court ultimately, after holding enquiry, ordered reinstatement with back wages. Hence, the Writ Petition.

By taking note of the fact that the writ petitioner was engaged for certain period i.e. from October 1996 and prior to that, there being no evidence of any alternative employment, the learned Single Judge disposed of the Writ Petition awarding full back wages for the period from 27.04.1992 to October 1996.

Having heard the learned counsel on either side and on perusal of the material available on record, there is nothing on record on behalf of the appellant herein to show that the writ petitioner was gainfully engaged for the period for which he was paid the wages. In the absence of any such material, we do not find any merits to grant the relief as sought for.

The Writ Appeal is accordingly dismissed. No costs.

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(B.PRAKASH RAO, J)

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(DR G.YETHIRAJULU, J)

30th September 2005

RRB